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OFFICE OF PETITIONS

In re Application of Smith et al. :
Application No. 10/038,509 :
Filing Date: January 3, 2002 :
Attorney Docket No. 066742-0015 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed April 28, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

Facts:

A proper request to change the address of record was filed September 3, 2002. The Office failed to enter the change the address.

A non-final Office action was mailed June 7, 2004. The Office action was returned undelivered by the USPS. A Notice of Abandonment was mailed December 30, 2004. The Office action was returned undelivered by the USPS.

Discussion:

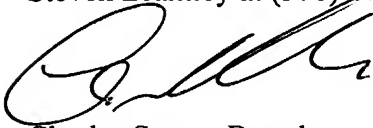
A review of the facts indicates the holding of abandonment was improper. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Petitioner submitted \$750 for the petition fee. A petition fee is not required for a petition to withdraw the holding of abandonment under 37 CFR 1.181. Therefore, the \$750 will be credited to petitioner's deposit account.

The petition states that a reply to the June 7, 2004 Office action is being filed concurrently. Unfortunately, the Office is unable to locate a copy of the reply. Therefore, the Office will re-mail the June 7, 2004 Office action.

Technology Center Art Unit 1644 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new copy of the June 7, 2004 Office action. The time period for responding to the new Office action will be set to run from the mailing date of the new Office action.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions